

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2004-73-T

IN RE:

Application of Minute Man Movers, LLC)	MOTION FOR IMMEDIATE
for Class E (HHG) Certificate of Public)	SUSPENSION OF CERTIFICATE
Convenience and Necessity for Operation)	OF PUBLIC CONVENIENCE AND
of Motor Vehicle Carrier)	NECESSITY
)	

The Office of Regulatory Staff, by the filing of this Motion would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp. 2006).

2. That the Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, et seq. as enacted by 2005 S.C. Acts 175.

3. That Minute Man Movers, LLC (hereinafter “Minute Man” or “company”) is currently operating as a “motor vehicle carrier” as defined in S.C. Code Ann. §58-23-10(4) (Supp. 2006) in that it owns, controls, operates, or manages motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

4. That Minute Man Movers, LLC is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (1976 and Supp. 2006); further, that Minute Man Movers, LLC has submitted itself to the jurisdiction of the Commission by holding a Class E Certificate of Public Convenience and Necessity as indicated in Attachment A. See Attachment A, Certificate of Public Convenience and Necessity issued by the Commission to Minute Man Movers, LLC on June 29, 2004.

5. That the ORS has evidenced that Auto Owners Insurance Company cancelled the motor carrier insurance policy of Minute Man Movers, LLC effective October 28, 2007. See Attachment B, Form K.

6. That as a result of the receipt of the Form K, the ORS contacted Minute Man Movers, LLC requiring that the Company provide evidence of insurance to the ORS within thirty (30) days as Minute Man Movers, LLC would no longer have insurance as required under S.C. Code Ann. §58-23-910 (Supp. 2006) on August 4, 2007. See Attachment B, Form K and Attachment C, Certified Letter of George Parker and Attachment D, Affidavit of Carole Chauvin.

7. That the Commission's own regulations specifically provide that the mere failure of a company to file evidence of insurance is sufficient grounds for the suspension of a Certificate of PC&N. As stated in 26 S.C. Code Regs. 103-175 (Supp. 2006) "Either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission **without further evidence or hearing**, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier." (emphasis added). Further, 26 S. C. Code Regs. 103-240 (Supp. 2006) provides in relevant part that "this rule (providing for notice

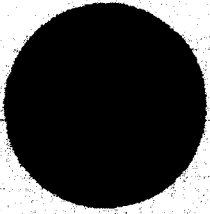
an opportunity to be heard) shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an existing order granting operating rights **without hearing** where certain conditions exist.” (emphasis added).

8. That such continued operation by Minute Man Movers, LLC without any form of insurance is contrary to the public interest as an uninsured motor carrier may pose a threat to customers of the Company and the general public, who would be unaware of Minute Man’s lack of insurance.

WHEREFORE, the ORS staff prays that this Honorable Commission immediately and without further evidence or hearing suspend, pursuant to 26 S.C. Code Regs. 103-175 (Supp. 2006), the Certificate of Public Convenience and Necessity, Number 9739, of Minute Man Movers, LLC (issued under Order No. 2004-308 in Docket 2004-73-T) **until such time as the carrier evidences that it has complied with the insurance requirements of this Commission or the carriers certificate of public convenience and necessity has been permanently revoked** and for such other appropriate action which the Commission may deem necessary and proper.

Shealy Boland Reibold
Shealy Boland Reibold, Esquire
Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, SC 29201

November 26, 2007
Columbia, SC



**Public Service Commission of South Carolina
Columbia, South Carolina**

Docket No. 2004-73-T
Order No. 2004-308
Certificate No. 9739

CLASS E

**Certificate of Public Convenience and Necessity
For the Operation of
MOTOR VEHICLE CARRIERS**

NAME: MINUTE MAN MOVERS, LLC
ADDRESS: 310 Ivy Green Lane, Irmo, SC 29063

is hereby authorized to furnish motor freight service over irregular routes, as follows:

HOUSEHOLD GOODS, as defined in R.103-210(1):

Between points and places in Richland, Lexington and Kershaw Counties, South Carolina

ATTACHMENT A

COPY

THIS CERTIFICATE is issued upon finding by the Commission, that Public Convenience and Necessity require such operation, under the terms of the Motor Vehicle Carriers' Law (Sections 58-23-10 — 58-23-60 of the South Carolina Code of Laws, 1976, and amendments thereto), and,

CONDITIONED: That all motor vehicles operated by virtue of this Certificate shall be so operated in accordance with the said Motor Vehicle Carriers' Law and the Rules and Regulations issued thereunder, and,

CONDITIONED FURTHER: That neither this Certificate nor the rights granted herein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

DATED at Columbia, South Carolina, this 29th day of June A.D., 2004.

Executive Director

Chairman

FORM K
UNIFORM NOTICE OF CANCELLATION OF
MOTOR CARRIER INSURANCE POLICIES

(EXECUTED IN TRIPLICATE)

JUL 27 2007

Check Type Canceled:

BI and PD ☐

Cargo ☒

ATTACHMENT B

Filed with.....SC Public Service Commission.....(hereinafter called Commission)
(NAME OF COMMISSION)

This is to advise that under the terms of a policy or policies issued to:

.....Minute Man Movers LLC.....
(NAME OF MOTOR CARRIER)

of.....10621 Broad River Road, Irmo, SC 29063.....
(ADDRESS OF MOTOR CARRIER)

by.....Auto-Owners Insurance Company.....
(NAME OF COMPANY)

of.....6101 Anacapri Blvd., Lansing, MI 48917-3999.....
(ADDRESS)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the 28th day of October, 2007 12:01 A. M., standard time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

Insurance Company File No. 36118660
(POLICY NUMBER)

Andrew M. Bailey
(SIGNATURE OF INSURER)



KATIE C. MORGAN
DIRECTOR
TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER

July 27, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Minute Man Movers, LLC
10621 Broad River Road
Irmo, SC 29063

ATTACHMENT C

RE: Public Service Commission Required Intrastate Insurance Filing

Dear Sir/Madam:

Pursuant to S.C. Code Regs 103-170.1, all motor carriers regulated by the Public Service Commission must file evidence of current insurance.

The Office of Regulatory Staff has received the following notice affecting your current insurance coverage:

Insurance Type:	Cargo Insurance Policy No. 36-118660
Issued by:	Auto-Owners Insurance Company
Will be:	<u>CANCELLED EFFECTIVE 10/28/07 at 12:01 a.m.</u>

To remain in compliance with the Public Service Regulations, it is necessary that you file proof of current insurance coverage with the Office of Regulatory Staff prior to the above listed cancellation date. Proof of insurance can be mailed or faxed to:

State of South Carolina
Office of Regulatory Staff
Transportation Department
PO Box 11263
Columbia, SC 29211
Fax number: 803-737-0815

If you fail to provide this information, you are ordered and directed to cease operations as of the above cancellation date.

Operation without proper insurance is a violation of the law and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

Please contact the Transportation Department with any questions at 803/737-0800.

Sincerely,

L. George Parker
Program Manager
Transportation Department

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, on the front if space permits.

1. Addressee:

Minute Man Movers, LLC
10621 Broad River Road
Irmo, SC 29063

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☒ Addressee

B. Received by (Printed Name)

John H. Matthews

C. Date of Delivery

8-2-07

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7006 2760 0003 3432 8988

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

ATTACHMENT D

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2004-73-T

November 19, 2007

IN RE: Motion of the Office of Regulatory)	
Staff for immediate suspension of)	AFFIDAVIT OF
Certificates of Public Convenience and)	Carole Chauvin
Necessity of Certain Motor Carriers)	

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as an Administrative Assistant for the Transportation Department.
- 2) My office is located at 1441 Main Street, Columbia, South Carolina, 29201 (Mailing Address: Post Office Box 11263, Columbia, South Carolina 29201).
- 3) My duties and responsibilities as Administrative Assistant for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On July 27, 2007, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-174 has not been filed with ORS by the following company as of November 19, 2007:

Minute Man Movers, LLC
10621 Broad River Road
Irmo, SC 29063

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Administrative Assistant, Transportation Department
Office of Regulatory Staff
P.O. Box 11263
Columbia, South Carolina 29211

Sworn and subscribed before me

this 19th day of November, 20 07

[Signature]

Notary Public for South Carolina

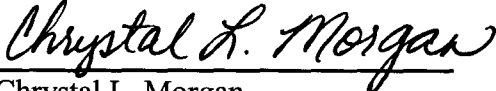
My Commission Expires: 5/11/2010

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2004-73-T

IN RE: Application of Minute Man Movers, LLC for)
Class E (HHG) Certificate of Public) **CERTIFICATE OF**
Convenience and Necessity for Operation of) **SERVICE**
Motor Vehicle Carrier)
)

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **MOTION FOR IMMEDIATE SUSPENSION** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Minute Man Movers, LLC
10621 Broad River Road
Irmo, SC 29063


Chrystal L. Morgan

November 26, 2007
Columbia, South Carolina